

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE BARTER HOUSE, INC., and BRIAN DIMARCO,

Plaintiffs,

-v-

INFINITY SPIRITS LCC, *a limited liability company*, DON  
GOOD TEQUILA COMPANY, LLC, *a limited liability  
company*, EUROPEAN INFINITY GROUP INC., *a  
corporation*, and BRIAN HOPKINS, *an individual*,

Defendants.

17 Civ. 9276 (PAE) (BCM)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received letters from all parties as to their availability for a jury trial in the first quarter of 2021. The Court has attempted to accommodate all personal conflicts as best as possible but cannot accommodate all. The Court, utilizing the procedures within this District governing the scheduling of jury trials during the COVID-19 pandemic, will seek to schedule a jury trial in March 2021, beginning on or after March 10, 2021. The Court expects to be notified within several weeks of the specific trial date assigned to this case. Counsel (including *pro se* defendant Brian Hopkins) are responsible for assuring that they, and all trial witnesses, (1) are available to attend the trial in person on the dates set, and (2) will be in full compliance with all public health requirements governing travel to New York City and entry into this courthouse, including any requirements of advance quarantines.

Defendant Brian Hopkins has requested that, due to the travel restrictions between the United States and Canada, he be permitted to appear by video conference. The Court denies that request. Although the Court has offered video conferencing as a viable option for a bench trial, and while video conference may be a viable option for discrete witnesses, it is not a viable option

for a jury trial at which Mr. Hopkins will serve as defense counsel and at which he will be one of the two central witnesses. The Court requires Mr. Hopkins to attend the jury trial in person.

SO ORDERED.

A handwritten signature in blue ink that reads "Paul A. Engelmayer". The signature is written in a cursive, flowing style.

PAUL A. ENGELMAYER  
United States District Judge

Dated: November 12, 2020  
New York, New York